

**ARTICLE XXVII**  
**SPECIAL PURPOSE DISTRICTS-PLANNED RESIDENTIAL DEVELOPMENT ZONE**

**SECTION 27.01 PURPOSE**

- A. Planned Residential Development regulations furnish an alternate means for the development of residential site plans within areas designated in the Comprehensive Plan for housing. These regulations, while adhering to the underlying densities specified in the Comprehensive Plan, allow for greater flexibility in designing and planning the development of land by including the geography, the history and culture, and the ecology of the area as standards and determinants of that design rather than severe and singular enforcement of residential unit densities.
- B. These regulations intend to promote the efficient use of the land while encouraging a diversify of housing types and maintaining a high degree of site control necessary for the preservation of the natural and scenic qualities that are integral to the rural character of the Township.

**SECTION 27.02 PERMITTED AND CONDITIONAL USES**

- A. Planned Residential Developments within zones established by the Township Board. All legal methods of land subdivision may be used in the design of a Planned Residential Development. All pertinent regulations addressed elsewhere in the Ordinance, i.e. Subdivision Regulations and Site Plan or Development Review, shall be complied with. Condominium projects and ten (10)-acre-plus land divisions shall be administered and reviewed under this Article.
- B. Entitle and conditional used of the property prior to PRD zone designation and uses compatible with surrounding zoning districts.

**SECTION 27.03 PROPERTY DEVELOPMENT STANDARDS**

- A. General Requirements. The following requirements are minimum unless otherwise stated.
  - 1. Density - Maximum dwelling units per net acre to be based upon density designated in Comprehensive Plan on buildable land prior to rezoning - greater density may be approved by the Township Board
  - 2. Site Area - Five (5) acres
  - 3. Front yard setback
    - a. Public road - Twenty five (25) feet
    - b. Private road - None (0)
  - 4. Side yard setback or distance between buildings - Fifteen (15) feet. Sufficient passageways must be maintained for emergency vehicles
  - 5. Street side yard setback
    - a. Public road - Twenty five (25) feet
    - b. Private road - None (0)
  - 6. Rear yard setback - Twenty five (25) feet
  - 7. Building height, maximum - Thirty five (35) feet
  - 8. Site coverage, maximum - Twenty five (25) percent
  - 9. Parking spaces per unit - Two (2) spaces/ one (1) Br units - Three (3) spaces/ two (2) or more BR units.
- B. Special Requirements. The following special development requirements shall apply to all

planned residential developments:

1. The planned residential development shall be designed and developed in a manner compatible with and complementary with and complementary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.
2. Where individual lots are desired, there shall be a three thousand (3,000) net square foot minimum area requirement for individual lots or individual dwelling sites.
3. Required open space shall comprise at least sixty (60) percent of the total area of the planned development. Land occupied by buildings, street, driveways or parking spaces may not be counted in satisfying this open space requirement; however, land occupied by recreational buildings and structures may be counted as required open space.
4. Open space may be left undeveloped or may be improved. If it is improved, provisions for its maintenance must be provided. If land is to remain undeveloped, measures may be required to mitigate construction, to improve natural habitat and to prevent erosion and control drainage. Open space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements may be applied toward satisfying the total open space requirement. Open spaces shall link with those on adjoining properties to ensure maximum habitat for wildlife and corridors for its movement thought out the area.
5. If development is to be done in stages, the development plan shall schedule the improvement of the open space, the construction of buildings, structures, and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space and planned amenities of the total planned development.
6. All or any part of designated open space shall be reserved for use in common by the residents of the planned development. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the Township or a public agency a party to and entitled to enforce the reservation. The Township may require that open space easements be conveyed to the Township.
7. No building, except as hereafter provided, shall be located closer than five (5) feet to any interior vehicular or pedestrian way, court, plaza, open parking lot or nay other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback shall generally be measured from the nearest edge of a surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measure from the nearest edge of the street right-of-way or private road easement.
8. All public streets within or abutting the proposed planned development shall be dedicated and improved to Township or County specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be irrevocable offered for dedication (but the township or county is not obligated at any time to accept the dedication) and shall be maintained for their intended purposes by the development's homeowners association or other means acceptable to the Township or County. All roads and passageways must be designed to allow emergency vehicle access.
9. Planned residential developments shall be in harmony with the topography of the site, shall preserve water courses, drainage areas, wooded areas, rough terrain, and similar

natural features and areas, and shall otherwise be designed to use and retain natural features and amenities to the greatest extent possible.

10. All utilities within a planned development shall be placed underground where feasible; otherwise, they shall be placed in the unobtrusive manner possible.
11. The designation of building pads or building areas within which dwellings must be sited on building plots, is required to ensure sensitive placement of homes in relation to the geography and ecology of the site as well as in relation to structures on surrounding properties.
12. A homeowners association shall be formed to hold title to and to manage any land, structures, or improvements to be held in common. Necessary stipulations of the PRD approval shall be conveyed by deed restrictions and covenants or within the condominium master plan, whichever is applicable.
13. The development must meet all the standards and requirements of the various agencies that have jurisdiction over the development area. No PRD shall be approved until all necessary approvals are obtained.
14. A development schedule shall be submitted indicating planned phases, including construction of roads, utilities, dwellings, amenities - all the major components of the project. A semi-annual revision of the schedule shall be required until the entire development is completed. This semi-annual report shall include, at minimum, the percentage complete to date and forecasted construction for the ensuing year of each component of the project. Approval of subsequent stages of a development shall be based upon adherence to the approved schedule or modifications agreed upon by the Planning Commission.
15. The Planning Commission Chairman may modify the information required for submission to the Commission, adding or eliminating items as necessary, to ensure a thorough review of the proposed project.

#### **SECTION 27.04 ACCESSARY USES AND STRUCTURES; PRD ZONE**

Accessory uses and structures shall be located as specified on the development plans as approved by the Township. However, accessory structures shall meet all of the setbacks for site development as specified in Section 27.03.

#### **SECTION 27.05 SIGNS; PRD ZONE**

No sign or outdoor advertising structure shall be permitted excepted as prescribed in Signs - Article XXXII.

#### **SECTION 27.06 APPLICATION FOR PLANNED RESIDENTIAL DEVELOPMENT ZONING**

In addition to the requirements in Section 4.19 the applicant shall follow the procedures as outlined in Sections 27.05 - 27.13.

#### **SECTION 27.07 PRELIMINARY DEVELOPMENT PLAN; APPLICATION REQUIREMENTS; PRD ZONE**

Applicants for approval of a planned residential development zone shall submit a complete

application for review of a preliminary development plan to the Zoning Administrator at least twenty one (21) days prior to review by the Planning Commission. The application shall contain all of the following:

1. Twelve (12) copies of a preliminary development plan encompassing all phases of the proposed PRD, prepared at a scale not less than one (1) inch equals fifty (50) feet if the property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more, containing the following information:
  1. name of development, applicant name, preparer name, if different, date of preparation, written and graphic scale, north arrow, property lines and dimensions, size of property in acres.
  2. identify zoning and use of all adjoining properties.
  3. identify existing natural features of the site, including predominant vegetative cover, major tree stands and existing drainageways.
  4. identify existing site improvements, including existing buildings or other structures, existing utilities with sizes shown, and any existing easements of record.
  5. identify existing site elevation contours at twenty (20) foot intervals.
  6. If applicable, identify existing shoreline, existing one hundred (100) year flood hazard area boundary and existing wetlands.
  7. existing rights-of-way lines, pavement edges and names of public streets; proposed layout of new public streets or private roads.
  8. layout and typical dimensions of proposed lots, including building pads; if the proposed PRD zone includes construction of buildings or other structures, identify proposed footprints and dimensions, proposed number of stories; identify uses proposed within the planned residential development find the acreage allotted to each use.
  9. locations of proposed access driveways and parking areas.
10. If multi-phase development is proposed, identify areas included in each proposed phase.
11. A legal description of the land included in the planned residential development zone.
12. A sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the planned residential development zone.
13. A narrative statement describing the overall objectives of the planned residential development.
14. A completed application on a form supplied by the Township.
15. Payment of a fee which shall be established from time to time by resolution of the Township Board.

#### **SECTION 27.08 PLANNING COMMISSION REVIEW OF PRELIMINARY DEVELOPMENT PLAN**

- A. The Planning Commission shall review the preliminary development plan at a meeting. Recommendations made by the Planning Commission shall be base upon its consideration of the standards for approval of a planned residential development zone contained in this Article, and based upon the intent of this Article. The recommendation of the Planning Commission shall be transmitted in written form to the applicant, and a copy of the recommendations transmitted to the Township Board.

In the course of its review of a preliminary development plan for a planned residential

development zone, the Planning Commission may provide notification to adjoining property owners and opportunity for public comment on the proposed planned residential development zone as it deems appropriate.

## **SECTION 27.09 FINAL DEVELOPMENT PLAN; APPLICATION REQUIREMENTS**

Following receipt of the recommendations of the Planning Commission concerning the preliminary development plan, the applicant shall submit to the Secretary of the Commission an application for review of a final development plan, at least twenty one (21) days prior to the hearing at which the plan will be considered by the Planning Commission. The application shall contain all of the following:

1. Twelve (12) copies of a final development plan, containing all of the information required for a preliminary development plan, and in addition thereto, all of the following:
  - a. proposed site elevation contours at twenty (20) foot intervals, superimposed over existing site elevation contours at twenty (20) foot intervals.
  - b. proposed landscaping, including location, size and species of all plant materials to be installed, proposed ground cover, identification of areas to be covered by automatic irrigation, if applicable, and identification of significant existing plant materials to be removed or retained on the site.
  - c. layout and dimensions of all existing and proposed driveways, sidewalks, curb openings and parking areas; parking areas shall include layout of proposed parking spaces and aisles, with typical dimensions, total number of spaces and method by which required number of spaces was calculated.
  - d. existing and proposed lot lines and building pads, with bearings and dimensions.
  - e. size and location of existing and proposed water and sewer lines, hydrants, natural gas, electric, telephone, cable television and any other proposed utility lines.
  - f. location, height and design of proposed fencing.
  - g. location, height and style of proposed exterior lighting.
  - h. proposed signage.
2. If applicable, typical elevation sketches of all sides of each principal building type included in the planned residential development, drawn at a scale of one (1) inch equals ten (10) feet.
3. Legal description of the land included in the planned residential development zone.
4. A small-scale sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the planned residential development zone.
5. A narrative statement describing the overall objective of the planned residential development.
6. Summary date schedules, where applicable, containing the following:
  - a. number and sizes of proposed dwelling units
  - b. number of bedrooms per dwelling unit
  - c. area and percentage of site covered by buildings
  - d. area and percentage of site covered by pavement
  - e. area and percentage of total open space
  - f. list of commercial or ancillary uses, with square footage identified for each use.
7. A copy of all proposed deed restrictions and covenants, including the organization and by-laws of any proposed homeowners association.
8. A completed application on a form supplied by the Township.
9. Payment of a fee which shall be established from time to time by resolution of the

Township Board.

#### **SECTION 27.10 NOTICE AND PUBLIC HEARING**

- A. Upon receipt of an application for approval of a final development plan for a planned residential development zone, the secretary of the Commission shall cause notice to be given in accordance with the Zoning Ordinance.
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed planned residential development zone for the purpose of receiving public comment on the application.

#### **SECTION 27.11 PLANNING COMMISSION ACTION**

- A. Following the public hearing, the Planning Commission shall review the final development plan for the planned residential development zone, and shall recommend to the Township Board approval, denial or approval with conditions, based on consideration of the standards for approval contained in Section 27.13.
- B. The recommendation of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation and any conditions included in the recommendation. The statement of conclusions shall be transmitted to the Township Board and to the Leelanau County Planning Commission.

#### **SECTION 27.12 TOWNSHIP BOARD ACTION; PUBLIC HEARING**

- A. Following action on the final development plan by the Planning Commission, the Township Clerk shall cause notice to be given, in accordance with the Zoning Ordinance, of a public hearing on the final development plan to be held before the Board.
- B. Following notice, the Board shall conduct a public hearing, held in accordance with the Zoning Ordinance.
- C. Following the public hearing, the Board shall review the proposed planned residential development zone, the report and recommendation of the Planning Commission, the report and recommendations of the Leelanau County Planning Commission and the comments received at the public hearing , and shall take action to approve, deny or approve the planned residential development zone only if it complies with the standard for approval contained in Section 27.13.
- D. In taking action, the Board shall state its conclusion for the record with respect to the planned residential development zone, the basis for its decision, the decision, and any conditions imposed on an approval.
- E. The Board may impose reasonable conditions in conjunction with the approval of a planned residential development zone. The conditions may include conditions necessary to insure that public services and facilities affected by the planned residential development zone will be capable of accommodating increased service and facility loads caused by the Planned residential development zone, to protect the natural environment, to conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially, economically, and ecologically desirable manner.

#### **SECTION 27.13 STANDARD FOR APPROVAL**

The Board shall approve a planned residential development zone only if it complies with each of the following standards:

1. The proposed planned residential development zone is consistent with and promotes the intent of this Article and Ordinance.
2. The proposed planned residential development zone is compatible with surrounding used of land and the natural environment and the capacities of public services and facilities affected by the planned residential development zone are sufficient to satisfy proposed demands.
3. The planned residential development is consistent with the public health , safety and welfare of the Township.
4. Safe and efficient ingress and egress has been provided to the property with particular attention given to pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
5. The design and placement of buildings and other structures, parking, lighting, signs, refuse storage, landscaping and other elements of the proposed planned residential development zone are compatible with surrounding properties and individual properties within the planned residential development zone.

#### **SECTION 27.14 CONFORMITY WITH PRD ZONE REQUIRED; PRD ZONE AGREEMENT**

- A. Following approval of a planned residential development zone by the Township Board, no construction on the land included in planned residential development zone shall be undertaken, unless such construction is in conformity with the final development plan for the planned residential development zone and any conditions imposed in conjunction with the approval of the planned residential development zone by the Township Board. Conformity shall be deemed to include the exact number of floors, stories, dwelling units, garages, lots and horizontal and vertical dimensional compliance.
- B. Prior to issuance of any building permits for construction of any portion of a planned residential development zone, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the planned residential development zone. The agreement shall describe all improvements to be constructed as part of the planned residential development zone, and shall incorporate by reference the final development plan submitted with the planned residential development zone application, other documents which comprise the planned residential development zone, and all conditions attached to the approval by the Township Board. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the planned residential development zone, and shall be binding upon all successors in interest to the applicant.

#### **SECTION 27.15 CHANGES TO AN APPROVED PLANNED RESIDENTIAL DEVELOPMENT**

- A. No changes to an approved final development plan for a planned residential development shall be made, except by mutual agreement between the applicant and the Township. Revisions to an approved final development plan or to any conditions imposed on an approval with the exception of minor administrative changes, which do not alter the layout, number of units or other details of the plan by more than five (5) percent, shall be processed in the same manner as an application for approval of a final development plan, as specified in Sections 27.09-27.13.
- B. Minor administrative changes may be made by the Planning Commission or the Commission

may delegate this responsibility to the Zoning Administrator.

**SECTION 27.16 TIME LIMIT FOR APPROVED PLANNED RESIDENTIAL DEVELOPMENTS**

- A. Construction of an approved planned residential development, shall commence and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the planned residential development by the Township Board.
- B. The owner or applicant of the planned residential development may apply to the Township Board for one (1) extension of the original approval for an additional term of one (1) year. The Township Board may, in its discretion, authorize this extension. In considering such authorization, the Township Board shall use the following standards:
  - 1. The planned residential development has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant.
  - 2. The planned residential development is likely to commence and to be completed.
- C. If the planned residential development has not commenced and proceeded meaningfully towards completion at the end of the initial one (1) year time period, or the one (1) permitted extension thereof, then the planned residential development zone approval shall be automatically become invalid and void and the prior zoning of the property shall obtain.